vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.4134 OF 2003

Shri Mohar Singh ... Petitioner

V/s.

Union of India & Ors. ... Respondents

Mr.P.M. Pradhan for Petitioner
None for Respondents

CORAM: **V.G. PALSHIKAR, Ag.C.J &**
SMT.NISHITA MHATRE, J.

DATED: **FEBRUARY 1, 2006**

P.C.:

. The Petitioner has by this Petition challenged the order passed by the Central Administrative Tribunal by which the Tribunal rejected the claim of the Petitioner for grant of promotion.

2. The ground on which the Original Application was filed and this Petition was filed is that there has been downgradation of the Annual Confidential Remarks of the Petitioner and there is no nexus of such downgradation with the Petitioner. Hence, following the judgment of the Supreme Court in *U.P. Jal Nigam v/s. Prabhat Chandra Jain* reported in **(1996) 2 SCC 363,** the denial was incorrect.

3. Reliance is also placed on the Division Bench of this Court in *Dr.Binoy Gupta v/s. The Union of India & Ors.* reported in **2002(3) ADMINSTRATIVE TOTAL JUDGMENTS 7**. The Division Bench of this Court has by that judgment followed the dicta in *U.P. Jal Nigam*'s case.

4. In this case, the Petitioner has nowhere pleaded as to what was his prior ACR and what was his downgradation. The ratio of the decision in *U.P. Jal Nigam*'s case (supra) or the Division Bench of this Court is that where there is substantial variation in the reports, even though adverse, such variation is required to be communicated. In the present case, no such variation is established. There is, therefore, no question of the Petitioner being communicated such adverse remarks.

5. In reply to the Original Application, it has been pointed out that there is no such downgradation of remark. Consequently, there is no reason to interfere in this Petition. The same is dismissed.